

REMARKS

The amendment to the specification is believed to properly claim domestic priority.

Support for the ranges recited in Claim 15 is specified below. The recitation to be introduced in Claim 16 finds support in page 12, line 1 et seq.

Claims 15 – 26 stand rejected under 35 U.S.C.112 first paragraph, the Examiner pointing to the recited ranges of the constituents and to the lower limit of particle size in Claim 18.

Support for the recited range of polycarbonate (60 to 65 parts by weight- pbw) is found in Table 2, page 27 and Table 1, page 26 respectively.

Support for the recited range of the graft polymer (13 to 20 pbw) is found in Table 1, page 26 and Table 2, page 27 respectively.

Support for the recited range of (co)polyethylene naphthalate (5 to 20 pbw) is found in Table 1, page 26 and Table 2, page 27 respectively.

Support for the recited lower limit of particle size in Claim 18 (0.1 μ m) is found in page 12, line 12.

Retraction of the allegation that the several values represent new matter is respectfully requested.

Claims 16-18 stand rejected under 35 U.S.C. 112 second paragraph, the Examiner questioning the “type” of particle size. The present amendment to Claim 16 addresses the rejection and is believed to overcome the same.

As presently amended Claim 24 is believed clear relative to the halogen substituents.

As presently amended the claimed invention is directed to a composition that contains poly(ester) carbonate, a rubber modified graft polymer and at least one of polyethylene naphthalate (herein PEN) and polyethylene naphthalate co-terephthalate (herein PENCO) . The composition is characterized in its natural color tone, melt flow rate and high Vicat temperature. Patentability is predicated on the surprising and unexpected finding that the corresponding properties of a composition containing poly(ester) carbonate and a rubber modified graft improve upon the incorporation of PEN and/or PENCO.

Attention is called to the working examples included in the application (pages 25-27) the salient characteristics of which are shown below:

Extracted from Table 1

	Comp.	Invention 1	Invention 2
Polycarbonate, pbw ¹	70	65	65
ABS, pbw	13	13	13
PEN, pbw	-	5	-
PENCO, pbw	-	-	5
SAN ² , pbw	17	17	17
Melt volume rate cm ³ /10 min	8.6	10.7	13.3
Natural color tone ³	0	+	+

¹ – denotes parts by weight

² – denotes styrene/acrylonitrile copolymer

³ – denotes the degree of lightening

Extracted from Table 2

	Comp.	Inv. 3	Inv. 5
Polycarbonate, pbw ¹	60	60	60
ABS, pbw	20	20	20
PEN, pbw	-	20	-
PENCO, pbw	-	-	20
SAN ² , pbw	20	-	-
Vicat temperature, °C	122	130	125
Natural color tone ³	0	++	++

¹ – denotes parts by weight

² – denotes styrene/acrylonitrile copolymer

³ – denotes the degree of lightening

Enabling a direct comparison between the claimed composition and a corresponding composition that substitutes SAN for PEN (or PENCO) the data show the advantageous features of the invention.

Claims 15 and 19-26 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,316,579 to Katayama et al (Katayama).

Katayama disclosed a composition containing polycarbonate, a diene series block copolymer and an optional “second thermoplastic resin”. The second thermoplastic resin is said (column 13, lines 25 et seq.) to include any of several resins including polyester and styrenic resins. There is no recognition evidenced in Katayama relative to the critical difference between the species included in the genus “second thermoplastic resin” in the context of the present invention. As was clearly shown above, the claimed PEN and /or PENCO offer surprising and unexpected advantages over SAN, a styrenic resin.

The rejection alleging obviousness under Section 103(a) is clearly untenable in view of the showing and its retraction is respectfully solicited.

Claims 15 and 19-26 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Noriyuki et al , JP 10-245481 (herein Noriyuki).

Based on its English language abstract Noriyuki is considered to disclose a composition containing polycarbonate, thermoplastic polyester and an acrylate based graft polymer.

As presently amended, the claimed graft polymer includes a graft base that contains any of a group of rubbers excluding acrylates.

Noriyuki is believed avoided by the present amendment.

Believing the above represent a complete response to the Office Action and that the application is in condition for allowance, Applicants request the earliest issuance of an indication to this effect.

Respectfully submitted,

By



Aron Preis
Attorney for Applicants
Reg. No. 29,426

Bayer MaterialScience LLC
100 Bayer Road
Pittsburgh, Pennsylvania 15205-9741
(412) 777-3814
FACSIMILE PHONE NUMBER:
(412) 777-3902
s:\shared\kgb\ap3110am